

**Assembly Bill No. 1413**

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Passed the Assembly August 31, 2010

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*Chief Clerk of the Assembly*

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Passed the Senate August 31, 2010

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 69508.5 to the Education Code, relating to student financial aid.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1413, Fuentes. Student financial aid.

(1) The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would amend the Donahoe Higher Education Act to provide that persons who are exempt from paying nonresident tuition under the above provision, or who meet equivalent requirements adopted by the regents, are eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. This bill would require the Student Aid Commission to establish procedures and forms that enable those persons who are exempt from paying nonresident tuition under the above provision to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law. This bill would prohibit persons who are exempt from paying nonresident tuition under the provision described above from being eligible for Competitive Cal Grant A and B

Awards unless specified conditions are met. The bill would make these provisions operative as of July 1, 2011.

(2) Existing federal law requires that a state may provide that an alien who is not lawfully present in the United States is eligible for any state or local public benefit for which that alien would otherwise be ineligible under a specified federal law only through enactment of a state law that affirmatively provides for that eligibility.

This bill would find and declare that the amendments to the Donahoe Higher Education Act described above are state laws within the meaning of this federal provision.

(3) This bill would provide that it would become operative only if SB 1460 of the 2009–10 Regular Session is enacted and becomes effective on or before January 1, 2011.

*The people of the State of California do enact as follows:*

SECTION 1. Section 69508.5 is added to the Education Code, to read:

69508.5. (a) Notwithstanding any other law, and except as provided for in subdivision (c), a person who meets the requirements of subdivision (a) of Section 68130.5, or who meets equivalent requirements adopted by the Regents of the University of California, is eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. The Legislature finds and declares that this section is a state law within the meaning of subsection (d) of Section 1621 of Title 8 of the United States Code.

(b) Notwithstanding any other law, the Student Aid Commission shall establish procedures and forms that enable persons who are exempt from paying nonresident tuition under Section 68130.5, or who meet equivalent requirements adopted by the regents, to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law.

(c) A student who is exempt from paying nonresident tuition under Section 68130.5 shall not be eligible for Competitive Cal Grant A and B Awards unless funding remains available after all California students not exempt pursuant to Section 68130.5 have

received Competitive Cal Grant A and B Awards that they are eligible for.

(d) This section shall become operative on July 1, 2011.

SEC. 2. This bill shall become operative only if Senate Bill 1460 of the 2009–10 Regular Session is enacted and becomes operative on or before January 1, 2011.







Approved \_\_\_\_\_, 2010

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*Governor*